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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,265	03/01/2004	Richard S. Belliveau		3515

7590

06/02/2005

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EXAMINER

SEVER, ANDREW T

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/790,265

Applicant(s)

BELLIVEAU, RICHARD S.

Examiner

Andrew T. Sever

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 10-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species IV (Claims 6-9) in the reply filed on 4/21/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 1-5 and 10-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/21/2005.

### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Applicant includes many references in the specification, which have not been provided in the IDS accordingly unless cited in the PTO 892 they have not been considered.

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4. Applicant's IDS contains a reference "The High End System Product Line 2001", which is not completely readable. Accordingly it has been considered only in as much as can be readily discerned from the image.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizushima et al. (US 5,988,817) in view of Karlock (US 6,172,716.)

Mizushima teaches in figures 2a and 6 an apparatus comprising:

An image projection lighting device (7, 5, and 1) comprising:

A base housing (7) in which is located an electrical component;

A yoke (5);

A communications port (it is obvious that there is a port for receiving the signal from the microprocessor, see figure 6);

A processor (91, 93 and other parts see figure 6);

A lamp housing (1);

Wherein the lamp housing can be remotely positioned in relation to the base;

Wherein the following is located within the lamp housing:

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A lamp, and

A first light valve.

(See column 3 lines 36-41 which teach the lamp can be pivoted. See column 8 line 64 through column 9 line 3 which teaches the use of an LCD (light valve).

Mizushima does not specifically teach that the communications port receives a black level command (however as taught in column 8 line 64 through column 9 line 3, black level is adjusted by the projector) or how this command is made and executed in the image. Karlock teaches in figure 1 a video processing circuit which adjust black level for projection purposes see column 1. Mizushima teaches that in an image projection lighting device which has a liquid crystal light valve, by using such a black level modifying circuit as Karlock to modify the image data sent to the liquid crystal light valve improved black level is obtained with the elimination of the need for a blackout shutter (see column 9 lines 1-3.) Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a video processing circuitry which among other things adjust black level as is taught by Karlock in the image projection light device of Mizushima.

*With regards to applicant's claim 7:*

See the paragraph of Karlock, which starts in column 4 line 66 and ends in column 5 line 13.

*With regards to applicant's claim 8:*

Karlock teaches clipping indicators which obviously implies that clipping occurs; see column 10 lines 22-32.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizushima in view of Karlock as applied to claims 6-8 above, and further in view of Easterly et al. (US 4,912,558.)

As described in more detail above Mizushima in view of Karlock teach an image projection lighting device which among other things includes a processor for performing black level adjustments on the video signal which including clipping the image data. Mizushima in view of Karlock do not, however, specifically teach how much clipping is done. Easterly teaches an image data adjusting apparatus, which adjusts, black level through clipping. In column 3 lines 27-68 Easterly teaches clipping (clipping is defined in the video arts, as removing or adjusting levels of in this case black level of the video signal) the digital signal by 10% of maximum value. Easterly teaches in column 3 lines 9-26 that such clipping allows for the signal to be adjusted to eliminate noise and other problems associated with the image capture device, when using the video signal to display a captured image, allowing for higher contrast and improved black level as compared to using an un-modified signal from a sensor (such as a CCD in a digital camera). Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to use at least 10% clipping in the apparatus of Mizushima in view of Karlock as taught by Easterly.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

The following should be reviewed when making amendments for potential double patenting issues:

US 6,866,390

US 6,719,433

US 6,783,251

US 6,869,193

The following are art of record not relied upon but do not have a common inventive entity with the present application:

US 6,671,005 to Pujol et al. teaches in figure 5 a light valve based projector with yoke and separate base housing.

US 5,114,224 to Miyamoto et al. teaches a projector with a yoke and separate base/processor that can track a surface to be projected upon in figure 1.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS

  
**JUDY NGUYEN**  
**SUPERVISORY PATENT EXAMINER**